Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C.

In the Matter of	)	
	)	
Flexibility for Delivery	)	IB Docket No. 01-185
of Communications by Mobile Satellite	)	
Service Providers in the 2 GHz Band, the L-Band	)	
and the 1.6/2.4 GHz Band	)	

In the Matter of	)	
	)	
Amendment of Section 2.106 of the Commission's	)	ET Docket No. 95-18
Rules to Allocate Spectrum at 2 GHz for Use by the	)	
Mobile Satellite Service	)	

COMMENTS OF CELSAT AMERICA, INC.

Celsat America, Inc. ("Celsat"), by undersigned counsel, hereby submits the following comments on the Commission's Public Notice, released March 6, 2002, seeking limited comment on specific issues raised in the above captioned proceeding.[1] In the Public Notice, the Commission asks the following threshold question:

> *From a purely technical point of view, can the operations of mobile satellite services (MSS) in the 2 GHz band, L-band and Big LEO band be "severed" from terrestrial operations in each band? In other words, is it technically*

---

[1] See Commission Staff Invites Technical Comment on the Certain Proposals to Permit Flexibility in the Delivery of Communications By Mobile Satellite Service Providers in the 2 GHz Band, the L-Band, and the 1.6/2.4 GHz Band, DA 02-554 (Released March 6, 2002) (the "Public Notice"). The Commission, by the Chief, Planning & Negotiations Division, International Bureau, extended the comment deadline from March 15, 2002 to March 22, 2002 at the request of AT&T Wireless Services, Inc. and the Cellular Telecommunications and Internet Association. See Order Extending Comment Period, DA 02-601 (Released March 13, 2002).

feasible for one operator to provide terrestrial services and another operator to provide satellite services in the same MSS band?[2]

Celsat set forth the answer to this question in its Consolidated Comments in this proceeding:

> *The mobile satellite service environment is vastly different than the fixed satellite service environment where the same spectrum has been shared by different licensees on the ground and in space for decades. Coordination and mitigation techniques that permit sharing are easy to implement in a fixed service environment because the location of both the satellite and the terrestrial terminals are known and unchanging. Given the constantly changing location of the terrestrial user in a mobile environment, however, only the satellite licensee can accomplish terrestrial reuse of the spectrum. Otherwise, uncoordinated ground usage would jam the satellite system and render it useless.* [3]

To amplify Celsat's prior comments, coordination and mitigation techniques that permit sharing are easy to implement in a fixed service environment because high gain antennas are used by subscribers of both services, and these antennas are pointed in different and fixed directions. In contrast, given the fact that satellite and terrestrial users both have omni-directional antennas, the MSS satellites will receive radiation equally from all users and, accordingly, severed operations would cause terrestrial users to jam

---

2 Public Notice at p. 1.

3 See Consolidated Comments of Celsat America, Inc., dated October 19, 2001, at 7-8 (the "Consolidated Comments") concerning the instant proceeding and In the Matter of Amendment of Part 2 of the Commission's Rules to Allocate Spectrum Below 3 GHz for Mobile and Fixed Services to Support the Introduction of New Advanced Wireless Services, Including Third Generation Wireless Systems, Memorandum Opinion and Order and Further Notice of Proposed Rulemaking, FCC 01-224 (2001); see also Reply Comments of Celsat America, Inc., dated November 13, 2001, at 15-18, filed the instant proceeding.

the satellite system and render it useless. In short, the answer to the Commission's question, as Celsat previously indicated, is NO.

Even if terrestrial services, however, were somehow severable from satellite services in MSS bands from a purely technical point of view – which they are not – any attempt to implement independent terrestrial operations would impose heavy and unnecessary burdens on MSS operators, limiting their ability to provide a robust package of services to both urban and rural areas without any countervailing benefit.

As its earlier comments indicate, Celsat believes that only the MSS operator is in a position to coordinate satellite and terrestrial calls to avoid destructive interference. Accordingly, any Commission program of independent terrestrial operations would force MSS operators to somehow determine the location of all terrestrial users in real time and then to attempt to control millions of terrestrial calls on an on-going, real-time basis *in perpetuity* for their terrestrial competitors. It is highly unrealistic for the Commission to expect that MSS and terrestrial competitors can jointly coordinate these complex systems without substantial cost measured in terms of inefficient operations, huge administrative expenses and constant friction between the forced joint venturers.

The Commission need look no further than the process of implementing the 1996 Act's deregulatory requirements for the local exchange market to get a vision of the future where MSS and terrestrial wireless companies are forced to share facilities and coordinate operations. Given the lessons from its efforts to open the local exchange market, the Commission should not introduce what amounts to an "unbundling"

requirement on MSS providers, especially where the market for wireless communications is already fully competitive.

Moreover, severing terrestrial operations from satellite operations in MSS bands will require massive, interventionist enforcement activities by the Commission – which in the end may not be effective – in order to ensure that the competitors work together and the public actually receives a viable service. Indeed, the inefficiencies that necessarily will result from such a forced joint venture by competitors, coupled with the heightened enforcement activities by the Commission, would add no value for consumers and instead will create a dead weight social loss by diminishing the ability of MSS providers to maximize the efficient use of spectrum for the benefit of consumers. In the end, severing terrestrial operations from satellite operations in MSS bands will undercut one of the primary policy goals for allocating MSS bands in the first place – to provide robust wireless services to consumers living in rural and underserved areas – because MSS operators will be required to devote substantial resources to the daunting, if not impossible, technical challenge of sharing their spectrum and inevitably to enforcement proceedings.

In short, from a purely technical point of view, terrestrial operations are not severable from satellite operations in MSS frequencies and, therefore, the Commission should permit MSS licensees – and only MSS licensees – to incorporate an ancillary terrestrial component into their satellite systems.

Respectfully submitted,

CELSAT AMERICA, INC.

By: /s/ Brian D. Weimer

John C. Quale
Brian D. Weimer
Skadden, Arps, Slate, Meagher & Flom LLP
1440 New York Avenue, N.W.
Washington, DC 20005-2111
(202) 371-7000

Its Attorneys

Dated March 22, 2002

CERTIFICATE OF SERVICE

I, Michael Murphy, hereby certify that on this 22nd day of March, 2002, copies of the foregoing "Comments of Celsat America, Inc." were served by courier on the following parties:

Sam Feder
Legal Advisor to Commissioner Martin
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Donald Abelson
Chief, International Bureau
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Paul Margie
Legal Advisor to Commissioner Copps
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Howard Griboff
Federal Communications Commission
International Bureau– Satellite &
Radiocommunication Division
445 12th Street, SW Room 6-C
Washington, DC 20554

Peter Tenhula
Sr. Legal Advisor to Chairman Powell
Federal Communications Commission
445 12th Street, SW Room 8-A
Washington, DC 20554

Karl Kensinger
Satellite & Radiocommunications Division
International Bureau
Federal Communications Commission
445 12th Street, SW Room 7-A760
Washington, DC 20554

Bryan Tramont
Sr. Legal Advisor to Comm. Abernathy
Federal Communications Commission
445 12th Street, SW, Room 8-A
Washington, DC 20554

Chris Murphy
Federal Communications Commission
International Bureau– Satellite &
Radiocommunication Division
445 12th Street, SW Room 6-C437
Washington, DC 20554

Jordan Goldstein
Sr. Legal Advisor to Comm. Copps
Federal Communications Commission
445 12th Street, SW, Room 8-A302
Washington, DC 20554

Richard B. Engelman
Chief, Planning & Negotiations Division
International Bureau
Federal Communications Commission
445 12th Street, SW, Room 7-A760
Washington, DC 20554

Daniel Gonzalez
Sr. Legal Advisor to Comm. Martin
Federal Communications Commission
445 12th Street, SW, Room 8-C302
Washington, DC 20554

Linda L. Haller
International Bureau
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Trey Hanbury
Planning & Negotiations Division
International Bureau
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

__*Michael Murphy*_/s/__
Michael Murphy